

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

MARIA J. BRUNSWICK,	)	
Plaintiff,	)	
	)	
v.	)	2:11 CV 27
	)	
MENARD, INC.,	)	
Defendant.	)	

**ORDER**

In March of this year the court referred defendant's "Motion to Exclude Plaintiff's Healthcare Providers" (DE # 34) to Magistrate Judge Andrew Rodovich pursuant to 28 U.S.C. § 636(b)(1)(A), FED. R. CIV. P. 72(a) and LOCAL RULE 72-1(b), for resolution. Instead of a determinative ruling on the matter, however, Magistrate Judge Rodovich issued a report and recommendation. (DE # 40.) This procedural glitch is of no consequence, however, because neither party has filed any objection to the report and recommendation. Therefore, the court now **ADOPTS** the report and recommendation as its own. Accordingly, defendant's motion to exclude (DE # 34) is **GRANTED IN PART** and **DENIED IN PART**, as is explained in the now-adopted report and recommendation. Briefly stated, the motion is **DENIED** with respect to Dr. Foreit; as to Dr. Khanna and Dr. Dasari, the motion is **DENIED** with respect to their testimony concerning plaintiff's treatment gleaned in their capacities as treating physicians, but **GRANTED** as to any testimony by them concerning causation or prognosis.

There is a further matter concerning Dr. Khanna. Plaintiff has moved for leave to present his testimony at trial by way of a video deposition pursuant to Fed. R. Civ. 32(a)(4)(E), due to unavailability at the time of trial. Defendant has not responded to the motion, and has therefore waived or forfeited any objection. It appears desirable in the interest of justice to permit the deposition to be used. Therefore, plaintiff's motion (DE # 41) is **GRANTED**.

**SO ORDERED.**

Date: September 19, 2013

s/James T. Moody  
JUDGE JAMES T. MOODY  
UNITED STATES DISTRICT COURT